

# EXHIBIT A

# The Worst Measles Outbreak in Decades, Mostly Among Ultra-Orthodox Jews

By SHARON OTTERMAN

Through the fall, traveler after traveler arrived in the ultra-Orthodox Jewish communities of New York from areas of Israel and Europe where measles was preading. They then spent time in homes, schools and shops in communities where too many people were unvaccinated.

Within months, New York State was facing its most severe outbreak of the disease in decades, with 177 cases confirmed by Tuesday, almost exclusively among ultra-Orthodox Jews. Health officials in New Jersey have reported 33 measles cases, mostly in Ocean County, given by similar conditions.

In 2018, New York and New Jersey accounted for more than half the measles cases in the country.

Alarmed, health officials began a systematic effort to bring up vaccination rates and halt the disease's spread.

But while there has been progress, the outbreak is not yet over. Health officials said part of the problem has been resistance among some people in ultra-Orthodox neighborhoods to fully cooperate with health workers, get vaccinations and promptly report infections.

"Sometimes they hang up and they don't want to open the door," said Dr. Patricia Schnabel Ruppert, the health commissioner of Rockland County, north of New York City, where the worst of the outbreak has been, with 114 confirmed cases. "It's hard to break an out-

iz Robbins contributed reporting.

break if you are not getting cooperation." Dr. Ruppert said that health officials discovered that some religious schools, or yeshivas, in ultra-Orthodox communities in Rockland County had vaccination rates as low as 60 percent, far below the state average of 92.5 percent. Audits found that some schools were over-reporting vaccination rates, she added.

Delayed vaccination also helped fuel the outbreak in the Orthodox communities of Williamsburg and Borough Park in Brooklyn, which had reported 55 cases as of last week, said Dr. Jane R. Zucker, head of the city health department's Bureau of Immunization.

There have been no deaths in the outbreak, but there have been a few serious cases in young children that required hospitalization.

Measles is one of the most contagious infections and can live for up to two hours in the airspace where an infected person breathed, coughed or sneezed. It usually affects children, and symptoms include high fever and a rash of red spots all over the body, as well as a cough and runny nose. Some 90 percent of unvaccinated people exposed in proximity to an infected person will get it.

But the vaccine, when given in two doses — typically around age 1 and age 5 — is about 97 percent effective.

Health officials and sociologists say the reasons for low vaccination rates among the ultra-Orthodox are complex.

In part they are tied to the wider antivaccination movement globally, including concerns that the measles vaccine,

which also protects against mumps and rubella, causes autism or other diseases. The idea has been widely debunked but persists in some circles.

Rabbi Yakov Horowitz, founder of Darchei Noam yeshiva in Monsey in Rockland County, said that some parents

## Tracing the disease to Israel, where 2,700 cases were reported in 2018.

considering admission to his school agonized over giving their children vaccines because they had heard they were dangerous. His yeshiva insisted on them, he said, though he knew of others that did not.

"Good people, great parents were terrified," he said. "They felt that I was asking to give their children something that would harm them."

Alexandra Khorover, general counsel for Refuah Health Center, one of the largest health providers in the Rockland community of Spring Valley, said her health workers had encountered "a small pocket of people who are anti-vaccine who have been peddling this information, fostering confusion and fear."

Part of the reluctance to vaccinate or allow a government health worker to enter the home, though, is cultural.

Samuel Heilman, a Queens College sociology professor who studies the ultra-Orthodox, said that there is a "fear of interference from the outside" rooted in the community's origins in pre-World War II Europe. More recently, the ultra-Orthodox have fought back against other health department efforts, such as New York City's efforts to limit a controversial circumcision practice, metzitzah b'peh, because of warnings from health officials that it causes herpes in infants.

"They have accepted the idea that they live by different rules than others in the outside community," Mr. Heilman said.

While this insularity allowed the measles to spread, it has also had a protective effect on wider public health, at least so far. In part because ultra-Orthodox Jews tend to attend their own religious schools and patronize their own shops and restaurants, the disease has remained in Orthodox circles, save for several infections among non-Jewish workers linked to their communities, health officials said.

The outbreak in New York and New Jersey can be traced to the rise of measles in Israel, where some 2,700 cases and two deaths were reported in 2018, centered in Jerusalem.

In Europe, which was the source of at least some of the Brooklyn infections, some 65,000 cases were reported in the year ending October 2018, with high concentrations in Balkan countries and Ukraine.

As measles spread in New York, public

health officials swung into action. On 40,000 fliers were printed in English, Yiddish, Spanish and other languages warning of the Israeli outbreak and calling for people to be vaccinated. Health officials met with rabbis and pediatricians, who sounded the alarm to the congregations and patients.

"We are telling people the health department is looking out for your health," said Rabbi David Niederman, a community leader and executive director at the United Jewish Organizations of Williamsburg. "They are the experts; you should take the vaccinations."

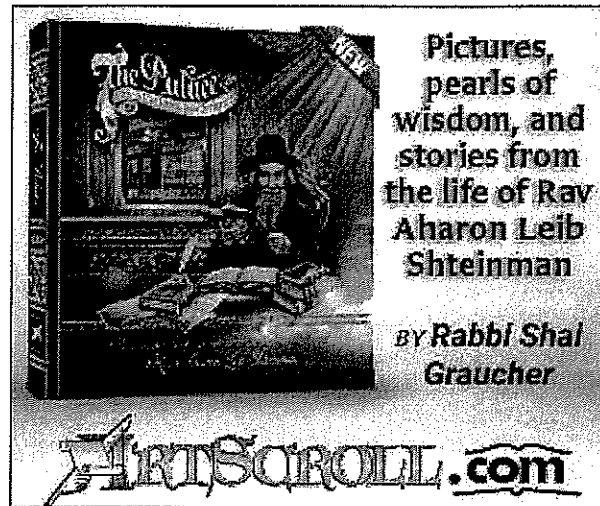
In Rockland County, which included the large ultra-Orthodox community of New Square, the authorities put schools under "exclusion orders," forbidding unvaccinated children to attend even if they had a valid religious or medical exemption to the vaccine. The orders are lifted when a school's vaccination rate reaches 95 percent, which state authorities consider protective of public health. Eighteen schools have had the orders lifted, officials said.

In Brooklyn, some children have been out of school for months because of similar exclusion orders by health officials, said Rabbi David Zwiebel, the executive director of Agudath Israel, an ultra-Orthodox umbrella organization. Tensions are high, with some parents still refusing to vaccinate because of health fears, and others relenting.

"There has been some harsh language exchanged on both sides," Rabbi Zwiebel said.

Case 2:19-cv-02152-KAS Document 17-1 Filed 05/05/19 Page 3 of 8 PageID# 185  
The NYC Health Department has been documenting long-term problems with the current measles outbreak. Part of the statement given to YWN reads: “Effective Friday, December 7th, every student attending a Yeshiva in the below zip codes who is not vaccinated will not be permitted to attend school, regardless of whether a case of measles has occurred in the school”.

**Zip codes include: 11204, 11205, 11206, 11211, 11218, 11219, 11220, 11230, 11249 – Which is Boro park, Williamsburg, parts of Flatbush and other areas of Brooklyn.**



Just a few days ago, YWN spoke with Dr. Jane R. Zucker, the Assistant Commissioner for the Bureau of Immunization at the NYC Department of Health who said that there are now 39 confirmed cases. All of the cases are in Brooklyn – 15 of them are in Williamsburg, 21 are in Boro Park, 1 in Bensonhurst, 1 in Marine Park.

“Besides for five cases being adults, the rest are all children under the age of five, Dr Zucker told YWN”.

**“The vast majority of these cases were unvaccinated, and many of these children could have been vaccinated and this outbreak could have been prevented”.**

Dr. Zucker told YWN that they suspect there are **many additional cases** that have not been properly reported.

NYC Councilman Kalman Yeger, who represents Boro Park, Midwood, and Bensonhurst gave the following statement to YWN after learning of the new policy:

“I’m grateful to Mayor de Blasio and his team at the Department of Health for their immediate actions to protect our community’s children. This is a clear issue of pikuach nefesh. It is imperative that parents

immediately vaccinate their children. It is just as imperative that our parents and yeshivas take all the necessary precautions to keep unvaccinated children away from harm. For this reason, DOH must take this drastic step to require unvaccinated children to be excluded from school until they receive the required vaccinations or the crisis has passed.”

**Here is the full statement by the NYC health Department:**

Case 2:19-cv-03152-MKB-RER Document 17-4 Filed 06/05/19 Page 5 of 8 PageID #: 187

# NEW POLICY: NYC Bans All Unvaccinated Children From Yeshivos in Many Brooklyn Areas

December 6, 2018 9:55 pm



The NYC Health Department has come out with a strong new policy as they work to contain the current measles outbreak. Part of the statement given to YWN reads: "Effective Friday, December 7th, every student attending a Yeshiva in the below zip codes who is not vaccinated will not be permitted to attend school, regardless of whether a case of measles has occurred in the school".

**Zip codes include: 11204, 11205, 11206, 11211, 11218, 11219, 11220, 11230, 11249 – Which is Boro park, Williamsburg, parts of Flatbush and other areas of Brooklyn.**

Just a few days ago, YWN spoke with Dr. Jane R. Zucker, the Assistant Commissioner for the Bureau of Immunization at the NYC Department of Health who said that there are now 39 confirmed cases. All of the cases are in Brooklyn – 15 of them are in Williamsburg, 21 are in Boro Park, 1 in Bensonhurst, 1 in Marine Park.





Case 2:19-cv-03152-MKB-RER Document 17-4 Filed 06/05/19 Page 6 of 8 PageID #: 188

**"The vast majority of these cases were unvaccinated, and many of these children could have been vaccinated and this outbreak could have been prevented".**

Dr. Zucker told YWN that they suspect there are **many additional cases** that have not been properly reported.

NYC Councilman Kalman Yeger, who represents Boro Park, Midwood, and Bensonhurst gave the following statement to YWN after learning of the new policy:

"I'm grateful to Mayor de Blasio and his team at the Department of Health for their immediate actions to protect our community's children. This is a clear issue of pikuach nefesh. It is imperative that parents immediately vaccinate their children. It is just as imperative that our parents and yeshivas take all the necessary precautions to keep unvaccinated children away from harm. For this reason, DOH must take this drastic step to require unvaccinated children to be excluded from school until they receive the required vaccinations or the crisis has passed."

**Here is the full statement by the NYC health Department:**





NEW YORK CITY DEPARTMENT OF  
HEALTH AND MENTAL HYGIENE  
Oxiris Barbot, M.D., M.P.H.  
*Acting Commissioner*

December 6, 2018

Dear Principal:

There is an outbreak of measles in the Orthodox Jewish communities of Williamsburg and Borough Park. Measles cases have also been confirmed in Bensonhurst and Midwood/Marine Park.

**Effective Friday, December 7th, every student attending a yeshiva in the below zip codes in Borough Park and Williamsburg who is not vaccinated with the required number of doses of measles-mumps-rubella (MMR) vaccine will not be permitted to attend school, regardless of whether a case of measles has occurred in the school.** This includes students who attend a childcare program serving the orthodox community, yeshivas with a child care program, or a yeshiva with any grades pre-kindergarten through 12th grade. The affected zip codes may change and be updated based on the epidemiology and incidence of new cases of measles; current zip codes for school exclusion are:

- 11204
- 11205
- 11206
- 11211
- 11218
- 11219
- 11220
- 11230
- 11249

**Students cannot return to school until they are appropriately vaccinated, or until the outbreak is declared over, even if they have an approved religious or medical exemption to measles immunization.** If a person in your school develops measles, additional restrictions apply.

As a reminder, for the 2018-2019 school year, for children attending daycare and pre-kindergarten, **one dose of MMR is required**; for children attending kindergarten through 12th grade, **two doses are required**. Results of blood work showing immunity to measles (measles IgG positive) is also acceptable. Documentation of disease history from a physician, without laboratory confirmation, is not acceptable.

**Students who are sick with measles must stay home from daycare or school until the 5<sup>th</sup> day after rash onset, as advised by the Health Department.**

**Principals or directors are responsible for enforcing exclusion of students and compliance with all school-required immunizations.** To ensure compliance, every yeshiva is subject to audit by the Department of Health, and noncompliance can result in Commissioners Orders and fines. [See Public Health Law §2164 and 10 NYCRR Subpart 66-1.] The full requirements are available at [www.schools.nyc.gov/docs/default-source/default-document-library/sh65-medical-immunization-requirements](http://www.schools.nyc.gov/docs/default-source/default-document-library/sh65-medical-immunization-requirements).

**Please share the attached letter with all parents of students in your school so that they are aware of the measles outbreak.** The letter informs parents that students without the required number of doses of MMR vaccine due to religious or medical exemptions or due to non-compliance must be excluded from school for the duration of this outbreak.

Meanwhile, Rockland County Health Commissioner Dr. Patricia Schuchel Duggan



**STRUGGLING WITH A SHMUTZ PROBLEM?**

In Lakewood, the Ocean County Health Department tell YWN that:

- There are now 18 confirmed measles cases.
- There are also 7 potential cases under investigation.
- Vaccination is encouraged and those children involved with exposure to a confirmed case may be subject to an order of exclusion, if unvaccinated.
- The Ocean County Health Department continues to support and highly encourage the exclusion of non-vaccinated children from schools, preschools and daycares in the outbreak area. These entities have the authority to make that decision when an outbreak has been declared by the New Jersey Department of Health. The age range so far for the current outbreak is 6 months to 59 years old.

**In the City of Passaic**, there are three confirmed cases in one household.

**Earlier on Thursday, YWN published** that in the London UK Chareidi community there are at least 60 confirmed cases.

There are also cases in Kiryas Joel in Orange County, NY.

**Last week, YWN published an extensive Psak Halacha** written by one of the leading Poskim in the world, Hagaon HaRav Moshe Shternbuch to the Rosh Yeshiva of BMG, HaRav Malkiel Kotler. In the letter translated for YWN, Rav Shternbuch explains why it is a Halachic obligation to vaccinate.

Additionally, the issue of vaccinations was brought up at the Agudah Convention at a panel with HaRav Elya Brudny and Harav Yosef Elefant. The video below is from that session.

*(YWN World Headquarters – NYC)*

Share this:

